

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Peyravian et al.

Serial No.: 09/458,928

Filed: December 10, 1999

For: **TIME STAMPING METHOD USING AGED
TIME STAMP RECEIPTS**

Attorney's Docket No: 4541-002

Patent Pending

Group Art Unit: 2135

Confirmation No.: 9487

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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Kathleen Koppen

TERMINAL DISCLAIMER TO OBVIATE A NONSTATUTORY DOUBLE PATENTING

REJECTION OVER U.S. PATENT NO. 6,742,119

Sir:

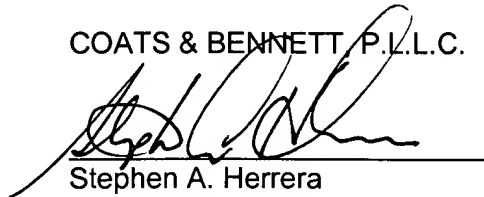
Claims 1-8, 10, and 14-23 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,642,119. Without admitting to the propriety of the rejection and only to remove issues for appeal, Applicants submit the following Terminal Disclaimer with respect to claims 1-8, 10, and 14-23.

The owner, IBM Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application with respect to claims 1-8, 10, and 14-23, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,742,119. The owner hereby agrees that any patent so granted on the instant application with respect to claims 1-8, 10, and 14-23 shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of prior U.S. Patent No. 6,742,119, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

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